

# COUNTY OF YORK

## MEMORANDUM

**DATE:** January 30, 2001 (BOS Mtg. 2/20/01)

**TO:** York County Board of Supervisors

**FROM:** James O. McReynolds, County Administrator

**SUBJECT:** Application No. UP-565-01, Miles C. Burcher and Mae H. Burcher

### ISSUE

Application No. UP-565-01 is a request for a special use permit, pursuant to Section 24.1-407 (c) of the York County Zoning Ordinance, to authorize an accessory apartment in conjunction with a single-family residence. The subject property is located at 600 Patricks Creek Road and is further identified as Assessor's Parcel No. 30-(9)-5.

### DESCRIPTION

- Property Owner: Miles C. Burcher and Mae H. Burcher
- Location: 600 Patricks Creek Road
- Area: 4.71 acres
- Frontage: Approximately 595 feet on Patricks Creek Road
- Utilities: Sanitary sewer and public water available
- Topography: Flat, wetlands are present on the property
- 2015 Land Use Map Designation: Low-Density Residential
- Zoning Classification: RR-Rural Residential
- Existing Development: Single-family detached dwelling
- Surrounding Development:
  - North: Single-family detached home
  - East: Single-family detached home
  - South: Patricks Creek, single-family detached home beyond
  - West: Single-family detached home
- Proposed Development: Accessory apartment in conjunction with a single-family detached dwelling

### **CONSIDERATIONS/CONCLUSIONS**

1. The applicants propose to establish an accessory apartment for Mrs. Burcher's mother through the construction of an addition adjacent to the existing garage. The subject property is zoned RR (Rural Residential) and is bounded to the south by Patricks Creek. Accessory apartments are permitted as a matter of right in the RR zoning district, but because the proposed size of the accessory apartment exceeds the limits prescribed in Section 24.1-407(c) of the Zoning Ordinance (450 square feet or 25% of the total floor area of the principal dwelling, whichever is less), a special use permit is required.
2. The Comprehensive Plan designates this area for Low Density Single Family Residential use, and the Housing element of the Plan encourages opportunities for accessory dwelling units, particularly for the elderly. The Plan notes that accessory apartments provide an opportunity for the elderly to remain independent while accepting some degree of assistance from family members.
3. The main issue with regard to accessory apartments is their compatibility with and impact on surrounding properties and the neighborhood as a whole. In this case, the primary residence has a floor area of 1,150 square feet; the proposed accessory dwelling has an approximate total floor area of 760 square feet. The apartment would include a living room, bedroom, kitchen, and bathroom. While the accessory apartment may be large in comparison to the primary residence, the parcel's size (4.71 acres) provides ample space and opportunity for construction of an accessory apartment of this magnitude. I do not believe that the proposed accessory apartment poses any threat to the single-family character of the Patricks Creek Road area. The low-density residential designation, after all, provides for a maximum density of one unit per acre.
4. The property is located within the Chesapeake Bay Resource Protection Area (RPA) and, as such, any development thereon will be subject to the Chesapeake Bay Preservation Act requirements set forth in the County's Environmental Management Area (EMA) overlay district regulations. These standards address such items as impervious surface and erosion and sediment control. The applicants recently applied for and received a Chesapeake Bay Waiver for the encroachment that will occur with the construction of the proposed accessory apartment. The proposed addition would be approximately 84 feet from high tide for Patricks Creek. The applicants will plant trees and shrubbery to mitigate the impacts of this development, as required by the waiver approval.
5. Performance standards for accessory apartments are set forth in Section 24.1-407 of the Zoning Ordinance. These limit the maximum number of accessory apartments to one per single-family detached dwelling, require adequate provisions for off-street parking (which should not pose any problem since the lot size is 4.71 acres), require occupancy only by family members or guests of the occupant of the principal dwelling, and prohibit the apartment from being rented separate from the principal dwelling. These standards have been included in the proposed approving resolution.

### **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission considered this application at its regular meeting on January 10, 2001 and, subsequent to holding a public hearing, voted 6:0 (Simasek absent) to recommend approval.

**COUNTY ADMINISTRATOR RECOMMENDATION**

I am of the opinion that the subject parcel can accommodate the proposed accessory apartment with no adverse impacts on adjacent properties or County infrastructure. Therefore, I recommend that the Board approve this application through the adoption of proposed Resolution No. R01-21.

Cross/3496  
Attachments

- Excerpts of Planning Commission minutes, January 10, 2001
- Zoning Map
- Narrative description submitted by the applicant
- Plat of Property
- Preliminary floor plan and building renderings
- Chesapeake Bay waiver correspondence (November 30, 2000)
- Proposed Resolution No. R01-21